

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JACQUELINE JONES,

Plaintiff,

v.

Civil Action No. _____
Chesapeake Circuit Court Case No. CL19-3791

SAM'S WEST, INC.,
SAM'S EAST, INC., and
WALMART, INC.,

Defendants.

NOTICE OF REMOVAL

Defendants Sam's East, Inc. ("Sam's East"), the correct party to be named, and Sam's West, Inc. ("Sam's West") and Walmart, Inc. ("Walmart"), both improperly named, (all together, "Defendants"), jointly by counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby file this Notice of Removal on the following grounds:

1. Plaintiff Jacqueline Jones filed a Complaint in the Circuit Court of the City of Chesapeake, Virginia on May 22, 2019 alleging a personal injury claim against Defendants for injuries from an incident on July 1, 2017 at a Sam's Club store located at 2444 Chesapeake Square Ring Road, Chesapeake, VA 23321.

2. The registered agents of the Defendants were each served with copies of a Summons, Complaint, and Interrogatories and Requests for Production on May 29, 2019. The Summonses, Complaints, and Interrogatories and Requests for Production served upon each of the Defendants are attached collectively hereto as Exhibit A.

3. Defendants jointly and timely filed an Answer to the Complaint on June 14, 2019 in the Circuit Court of the City of Chesapeake, Virginia, a copy of which Answer, with a file-stamped first page, is attached hereto as Exhibit B.

4. Plaintiff submitted to the Circuit Court of the City of Chesapeake, Virginia a proposed order nonsuiting Sam's West and Walmart, the incorrectly named parties, but, upon information and belief, the court did not enter the order prior to this removal. A copy of Plaintiff's correspondence submitting the proposed order to the Court is attached hereto as Exhibit C.

GROUND FOR REMOVAL

5. Plaintiff is a Virginia resident and is therefore a citizen of Virginia. Complaint at ¶4.

6. Defendant Sam's East is an Arkansas corporation with its principal place of business in Bentonville, Arkansas.

7. Defendant Sam's West is an Arkansas corporation with its principal place of business in Little Rock, Arkansas.

8. Defendant Walmart is Delaware corporation with its principal place of business in Bentonville, Arkansas.

9. This action therefore involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.

10. The amount in controversy exceeds the value of \$75,000, exclusive of interest and costs, because Plaintiff's ad damnum seeks \$1,000,000.00 in compensatory damages against Walmart.

11. This Court therefore has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and it may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

12. Pursuant to 28 U.S.C. § 1446 (b), this Notice of Removal is being filed within thirty (30) days after Defendants were served with the Complaint, the initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

13. Pursuant to 28 U.S.C. § 1441(a), venue of this removal action is proper in the Eastern District of Virginia, Norfolk Division, because it is in the district and division embracing the place where the state court action is pending.

14. Promptly after the filing of this Notice of Removal, Defendants will give written notice of the removal to Plaintiff, the adverse party, and will file a copy of this Notice of Removal with the Circuit Court of the City of Chesapeake, as required by 28 U.S.C. § 1446(d).

15. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Walmart in the state court action have been attached hereto.

16. All Defendants consent to removal of this action.

17. Defendants demand a trial by jury, and a Notice of Demand of Trial by Jury is attached hereto as Exhibit D.

WHEREFORE, Defendants Sam's East, Inc., the correct party to be named, and Sam's West, Inc. ("Sam's West") and Walmart, Inc. ("Walmart"), both improperly named, by counsel, respectfully request that this action be removed from the Circuit Court of the City of Chesapeake, Virginia, to this Court.

SAM'S EAST, INC.,
SAM'S WEST, INC., and
WALMART INC.

/s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2019, a true and accurate copy of the foregoing was sent via email and U.S mail to

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/s/ _____
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